

CITY MANAGER/CITY ATTORNEY RESOLUTION NO. 116

**APPROVING AN AMENDMENT TO THE
MISSION BEACH PRECISE PLANNING BOARD BYLAWS**

WHEREAS, it is the policy of the Council of the City of San Diego to require each community planning committee, as a condition of official recognition by the City of San Diego, to write and submit bylaws to the City Manager and City Attorney; and

WHEREAS, the Mission Beach Precise Planning Board has submitted amended bylaws (attached) to the City Manager and City Attorney regarding membership qualifications and duties, and election procedures.

WHEREAS, the Mission Beach Precise Planning Board, on October 17, 2000 approved an amendment to their bylaws, and

WHEREAS, the amended bylaws meet the requirements of Council Policy No. 600-24; and

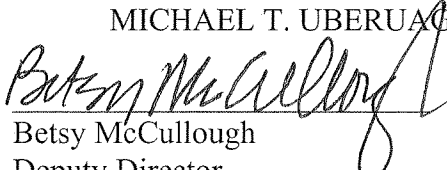
WHEREAS, it is the policy of the Council of San Diego to authorize the City Manager and City Attorney to approve amendments to bylaws that are in conformance with Policy 600-24; **NOW THEREFORE**,

BE IT RESOLVED, by the City Manager and City Attorney of the City of San Diego, that the revisions to the bylaws of the Mission Beach Precise Planning Board dated October 17, 2000 are hereby approved.

APPROVED: CASEY GWINN, CITY ATTORNEY

MICHAEL T. UBERUAGA, CITY MANAGER

By:


Betsy McCullough
Deputy Director
Long Range Planning

Date:

2/6/01

By:


Richard A. Duvernay
Deputy City Attorney

Date:

2-12-01

BY-LAWS OF THE MISSION BEACH PRECISE PLANNING BOARD

October 17, 2000

ARTICLE : NAME

Section 1. The name of the Mission Beach community planning organization is the Mission Beach Precise Planning Board (Planning Board).

Section 2. All committee activities shall be conducted in its official name.

Section 3. The Mission Beach community planning area boundaries are shown on Exhibit "A", attached.

Section 4. The official positions and opinions of the committee shall not be established or determined by any organization other than the committee.

ARTICLE II: PURPOSE OF PLANNING BOARD AND GENERAL PROVISIONS

Section 1. The primary purpose of the Planning Board shall be to advise the City Council, Planning Commission and other governmental agencies as may be appropriate in the initial preparation, adoption of , implementation of, or amendment to the general or community plan as it pertains to the area or areas of influence of said Planning Board (hereafter referred to as the planning process).

Individual development projects shall be reviewed as provided by Council Policy 600-24, Article II, Section I, which provides that such review should: 1) focus on conformity with the adopted community plan and/or the general plan; and 2) be completed, and associated written input submitted to the City, during the public review period offered by the environmental review process (substantive changes in projects subsequent to completion of the environmental review process will sanction further evaluation by the community planning committees). This will provide staff and the project proponent the opportunity to respond to the issues raised and potentially resolve possible conflicts before the project is noticed for discretionary action.

Section 2. All Planning Board activities shall be nonpartisan and nonsectarian and shall not discriminate against any person or persons by reason of race, color, sex, creed or national origin, or sexual orientation, or physical handicap, nor shall the Board take part, officially or unofficially, or lend its influence in, the election of any candidate for political office.

ARTICLE III: PLANNING BOARD ORGANIZATION

Section 1. The Planning Board shall consist of fifteen (15) members.

Section 2: Planning Board members shall be elected by and from eligible members of the community. To be an eligible community member, an individual must be at least eighteen (18) years of age, and shall be affiliated with the community as a property owner or resident or own or manage a local business with a business address in the community at which employees or operators of the business are located. Planning Board members shall, to the extent possible, be representatives of the various geographic sections of the community and diversified community interest.

Mission Beach shall be divided into five (5) areas of representation, and three (3) Board members shall be elected to serve from each area. If a seat in a given area cannot be filled by an eligible member from that area, an eligible member from another area may fill that seat until the next regular election. Only eligible members of that area in which the vacant seat is to be filled may vote. If no eligible members of the area are present to vote, the seat may be filled by a majority vote of the Planning Board.

The five (5) areas of representation are: Area I, between San Diego Place and the southside of Capistrano Place; Area II, between the northside of Capistrano Place and the southside of West Mission Bay Drive; Area III, between the northside of West Mission Bay Drive and the southside of El Carmel Place; Area IV, between the northside of El Carmel Place and the southside of San Jose Place; Area V, between the northside of San Jose Place and the southside of Pacific Beach Drive.

Section 3. Members of the Board shall be elected to serve for fixed terms of three (3) years with expiration dates during alternate years to provide continuity. No person may serve on the Board for more than nine (9) consecutive years. After a one-year break in service as a Board member, an individual who has served for nine (9) consecutive years shall again be eligible for election to the Board, subject to the following exception:

1) A Board member may serve in excess of nine consecutive years if that person is reelected to a new term provided that they receive a two-thirds majority of the votes cast by eligible community members participating in a regular election. No individual may serve as an officer for more than four (4) consecutive years as specified in Article VII, Section I.

ARTICLE IV: VACANCIES

Section 1. The Planning Board shall find that a vacancy exists upon receipt of a resignation in writing from one of its members or upon receipt of a written report from its secretary reporting the second consecutive absence or the fourth absence in any one fiscal year of a member from regular meetings as established under Article VI, Section 2 below.

Section 2. Vacancies that may occur on the Planning Board shall be filled by the Board not later than 90 days, following the date of the determination of the vacancy. If a vacant seat in a given area cannot be filled by an eligible member from that area, an eligible member from another area may fill that vacancy. Vacancies shall be filled by a vote of eligible members in the area in which the vacancy exists. If no eligible members of the area are present to vote, the seat may be filled by a majority vote of the Board. The term of office of any member filling a vacancy shall be until the next regular election.

Section 3. If the Planning Board is unable to fill a vacancy within 90 days, as specified above, and the Board has more than twelve members, the Board shall either amend its by-laws to permit decreased membership to a minimum of twelve members, or report in writing the actions taken in filling vacancies to and request assistance from the City Council.

ARTICLES V: ELECTIONS

Section 1. Elections of Planning Board members shall be held during a regularly scheduled meeting in March from commencement of said meeting for a period of 60 minutes.

Section 2. The Secretary shall make a good faith effort to cause notices to be published in an issue of the community press, requesting candidate nominations, prior to the February meeting, and announcing member elections and candidates prior to the March meeting.

Section 3. Voting shall be by secret written ballot. Ballots shall be available at the noticed Planning Board meeting at which the elections will be held.

Section 4. Election Policies

a) Planning Board candidates must be at least eighteen (18) years of age and must either reside, own property, or own or manage a local business with an address in the area for which he/she is a candidate.

b) Any eligible voter must prove his eligibility by presentation of title to his property, lease on the premises, driver's license, telephone listing, rent receipt, utility bill or other satisfactory evidence as may be determined by the Board.

c) At elections, any eligible voters must first register with the Secretary by signing the registration form provided for his/her area of representation . The voter will provide his/her address and proof of eligibility as set forth in Subsection (b).

d) A voter eligible to vote in more than one area may only register and vote for a candidate in one area. If the voter is also a Board member, he or she may only vote for candidates in the area he or she represents.

e) An eligible voter shall have one vote for each vacant seat in the area in which he/she is registered to vote. Thus, if there are two vacancies an eligible voter may vote for two candidates. In no event may an eligible voter vote more than once for the same candidate (i.e., no cumulative voting). The candidate receiving the most votes, where there is more than one vacant seat in an area, shall select the seat he/she wants to fill.

f) There shall be no voting by proxy in this organization.

g) A Planning Board candidate must be present to be elected unless he/she submits a written request to the Planning Board stating his/her desire to be elected/re-elected to an area as well as to provide sufficient reason to render his absence excused by the majority of the Planning Board pursuant to the procedure set forth in Article IV, Section 1.

h) In order to be elected, a Planning Board candidate must be nominated at the meeting in the month prior to the meeting at which the election is held. For example, a candidate seeking a seat on the board at the regular March election meeting must be nominated at the February meeting. Any eligible voter, including the candidate himself/herself, may nominate one candidate from the district in which the nominator is eligible to vote.

i) At the election meeting, there shall be no "write-in" votes allowed. Only candidates properly nominated pursuant to paragraph h), above are eligible to be elected.

j) The rules provided for above in paragraphs h) and i) may be temporarily suspended by a vote of at least two-thirds of the board members present at an election meeting.

k) Special elections shall be held from the commencement of the meeting for a period of 60 minutes.

ARTICLE VI: COMMUNITY PLANNING BOARD DUTIES

Section 1. It shall be the duty of the Planning Board to cooperatively work with the Planning Department and, as appropriate, the City Manager, throughout the planning process, including but not limited to the formation of long-range community goals, objectives and proposals or the revision thereto for inclusion in a general or community plan.

Section 2. It shall be the duty of each Planning Board member to attend all Board meetings. When an active plan update is underway, regular meetings shall be periodically held by the Board to meet with the Planning Department at a mutually agreed time and location.

Section 3. A quorum, defined as a majority of the non-vacant seats of the Planning Board, must be present in order to conduct business and/or to vote on projects or actions at regular Board meetings. A report of attendance and a copy of Board approved minutes which include the votes taken on each matter acted upon for each meeting shall be available for public distribution and shall be submitted to the Planning Department within 14 days upon approval by the board. Planning Board resolutions on specific projects should indicate whether or not a quorum was present, whether or not the applicant appeared before the Planning Board, and when and what type of notification the applicant received requesting his/her appearance at the Planning Board meeting.

Section 4. The Planning Board shall hold regular monthly public meetings at a time and place set by the Board. Special meetings of the Board for any purpose or purposes may be called by the Chairperson or if he/she is absent, by the Vice Chairperson or Secretary upon written request of any four or more Board members. Written notice of the time and place of any special Board meeting shall be given to each Board member, personally or by mail, at least three (3) days prior to each meeting. The notice shall state the purpose of such meeting. No other business shall be transacted at such meeting.

EXCEPTION: In the absence of notice, the secretary shall confirm that all Board members have been contacted or that a reasonable effort has been made to do so. Any action taken at a special Board meeting shall require majority vote of the entire Board. Executive sessions shall be prohibited. All meetings of the Board and subcommittees shall be open to the public and shall be conducted in accordance with Robert's Rules of Order except as otherwise provided in Council Policy 600-24 and/or Planning Board By-Laws. Special meetings may be called by written request of 250 eligible voters in Mission Beach.

Section 5. It shall be the duty of the Planning Board to periodically seek community-wide understanding of and participation in the planning and implementation process as specified in Article II, Section 1. The Planning Board shall give due consideration to all responsible community attitudes insofar as these are deemed to be in the best long-range interest of the community at large. It shall also be the duty of the Planning Board, when receiving development projects, to allow participation of affected property owners, residents and business establishments within proximity to the proposed development. The Planning Board shall inform the project applicant or representative each time that such review will take place and provide the applicant with an opportunity to present the project. Any interested member of the public shall be given an opportunity to offer input on projects during Planning Board meetings.

Section 6. Any interested person may attend any meeting of the Board, but will not be allowed the privilege of making, seconding, or voting on motions. Such persons may participate in discussions at the discretion of the presiding Chairperson of the meeting. This discretion may be overridden by a majority vote of Planning Board members in attendance.

Section 7. It shall be the duty of the Planning Board to maintain a current, up-to-date roster of the names of committee members to be kept on file in the offices of the City Clerk and the Planning Department and to submit to the offices of the City Clerk and the Planning Department by February 15 of each year an annual report of accomplishments for the past calendar year and anticipated objectives for the coming year related to Article II, Section I above.

Section 8. Financial contributions from the citizens or the community may be sought for the purposes of furthering the efforts of the Planning Board to promote understanding and participating in the planning process. No membership dues shall be required.

Section 9. It shall be the duty of each Planning Board member to attend an orientation training session administered by the Planning Department within six (6) months of their becoming a Board member.

Section 10. It shall be the duty of each Planning Board member to abstain from voting on privately initiated projects in which they have a direct financial interest.

Section 11. Every act or decision taken by a majority of the Planning Board present at a meeting duly called and held shall be considered an act or decision of the Board.

Section 12. No Board member may represent, by conduct or written or oral communication, express or implied, that he/she represents the Planning Board, unless such member has been authorized by a majority of the Planning Board to so act. Board members may identify themselves as members of the Board but must qualify this with the statement that they are not representing the position of the Planning Board, unless they have in fact been authorized to represent the Board's position.

ARTICLE VII: PLANNING BOARD OFFICERS

Section 1. The officers of the Planning Board shall be elected from and by the members of the Board at the April regularly scheduled meeting. Said officers shall consist of a Chairperson, Vice Chairperson, and Secretary and by policy may include such other officers as the Board may deem necessary. The length of an officer's term shall be one (1) year. No person may serve as an officer for more than ~~nine (9)~~ four (4) consecutive years. After a period of one year in which that person did not serve as an officer, that person shall again be eligible to serve as an officer.

Section 2. Chairperson. The Chairperson shall be the principal officer of the Planning Board and shall preside over all Planning Board and community-wide meetings.

Section 3. Vice Chairperson. In the absence of the Chairperson, the Vice Chairperson shall perform all the duties and responsibilities of the principal officer.

Section 4. Secretary. The Secretary shall prepare all correspondence and record and maintain minutes of the actions of the Planning Board meetings and provide said information to the Board and general public as required. The Secretary shall maintain an attendance record and provide a report of same at each Board meeting pursuant to Article VI Section 2, above.

Section 6. Each officers shall have such powers and perform such duties as normally pertain to his office except as otherwise provided by the By-Laws or by resolution of the Board.

ARTICLE VIII: RECALLING MEMBERS OF THE PLANNING BOARD

Section 1. Any member of the Planning Board may be recalled by a majority vote of eligible voters present and voting from the area he/she represents at a special meeting called for that purpose. Such a meeting must be initiated by a petition signed by 250 eligible votes from his/her area. The petition must be completed in any thirty (30) day period with dated signatures thereon. The special meeting must be called within thirty (30) days after the petition is submitted to the Board. Any vacancies resulting from a recall may be filled by an election held at that meeting. Only one Board member from each area may be recalled in any ninety (90) day period.

ARTICLE IX: COMMITTEES

Section 1. The Chairperson shall have the power to appoint committees necessary to carry on the progress of the Board.

Section 2. The Chairperson of committees shall be appointed from the Board. Members may be from the Board or other eligible voters.

Section 3. Each committee shall elect its own recording secretary who shall keep the minutes of each meeting and submit them to the Chairperson of the committee and Board for review and filing.

Section 4. All financial commitments of a committee must be authorized by the Board.

ARTICLE X: AMENDMENTS

Section 1. These By-Laws may be repealed or amended, or new By-Laws may be adopted by the Board.

Section 2. The Board may not change this section or repeal, amend or make new By-Laws which would change any phraseology of these By-Laws that reduce the eligible voters power of checks on this Board. These checks include: Article IV, Sections 1-3; Article V, Section 4; Article VI, Section 4; Article VIII, Section 1.

Section 3. These By-Laws may be subject to review and change at a special public meeting called for by written request of two hundred (200) eligible voters in Mission Beach. The petition shall be completed within a sixty (60) day period and signatures thereon shall be dated. The special meeting must be called within thirty (30) days after the petition is submitted to the Board. All decisions shall be accomplished by a majority of votes of the eligible voters present and voting at the special meeting.

Section 4. Amendments shall be approved by the Planning Director and City Attorney.